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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/640,738 05/06/96 HYON

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EXAMINER

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NGUYEN, T

ART UNIT

PAPER NUMBER

3738

DATE MAILED:

05/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/640,738

Applicant(s)
Hyon et al.

Examiner
Tram Nguyen

Group Art Unit
3738



☒ Responsive to communication(s) filed on Feb 25, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3, and 5-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3, and 5-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, and 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamaru (U.S. Patent No. 3,886,056), for the following reasons:

(a) With respect to claims 1, 3, 5, and 9-13, see col. 1, lines 65-68, col. 2, lines 1-44, and col. 4, lines 58-65 for an ultra high molecular weight polyethylene molded block (i.e., a very thin film or sheet) which is partially crosslinked by irradiation and being compression-deformed in a direction perpendicular to a compression plane, the article having orientation of crystal planes in a direction parallel to the compression plane, said article having a melting temperature of 137°-138°C.

Regarding claims 10-13, applicant is reminded that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

(b) With respect to claims 6 and 7, see col. 3, lines 1-20 for the recited irradiation dose and compression-deformation temperature.

(c) With respect to claim 8, see col. 2, lines 38-44 for the recited weight-average molecular weight.

Response to Arguments

3. Applicant's arguments filed February 25, 1999 have been fully considered but they are not persuasive. Applicant is asked to please refer to the modified prior art rejection above wherein examiner addresses applicant's specific concerns regarding prior art rejections, as well as examiner's response below.

In response to applicant's assertion that the newly amended limitation of a molded "block" overcomes the art of record, the examiner respectfully disagrees. While applicant now recites an ultra high molecular weight polyethylene molded "block", Kitamaru et al. discloses an ultra high molecular weight polyethylene molded film or sheet, which film or sheet constitutes a very thin block. Insofar as applicant has not recited nor disclosed any parameters or structural limitations for the block, the film or sheet of Kitamaru et al. still meets this limitation.

With respect to applicant's argument that Kitamaru et al. fails to disclose a film or sheet which is compression deformed, resulting in a film or sheet which has an orientation of crystal planes in a direction parallel to the compression plane, the examiner directs applicant's attention to col. 3 and 4 of Kitamaru et al. In lines 20-27 of col. 3, Kitamaru et al. disclose a conventional method of drawing (stretching) the polyethylene film or sheet, which stretching method necessarily involves the application of pressure to compress the polyethylene into a thin film. In lines 60-65 of col. 4, Kitamaru et al. goes on to disclose that the polyethylene film has crystal

planes which are oriented parallel to the film plane. Since the film plane is oriented in the same direction as the compression plane as described above, the crystal planes of the polyethylene film are oriented parallel to the compression plane as well, thereby meeting the limitations of applicant's claimed invention.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tram Nguyen whose telephone number is (703) 308-0804. The examiner can normally be reached on Monday - Friday from 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached at (703) 308-2672. The fax phone number for this group is (703) 308-2708.

Any inquiry of a general nature or relating to the status of this application or proceedings should be directed to the group receptionist whose telephone number is (703) 308-0858.



Mickey Yu
Supervisory Patent Examiner
Group 3700

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May 9, 1999